



20-3

PATENT 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:) Docket No.: 4164-101 CON
Applicant: RICHTER, Virginia Pact, et al.) Examiner: JARVIS, William
Application No.: 09,940,309) Group Art: 1614
Date Filed: August 27, 2001) Confirmation No.: 5504
Title: TREATMENT OF) Customer No.: 23448
MOVEMENT DISORDERS BY)
ADMINISTRATION OF 5-)
HYDROXYTRYPTAMINE)
RECEPTOR/ α_2 , ADRENERGIC)
RECEPTOR ANTOGONIST)
COMPOSITIONS)
160012
23448
PATENT TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, and Express Mailed under the provisions of 37 CFR 1.10.

Katrina Holland
Katrina Holland

Katrina Holland

February 18, 2003

Date _____

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**RESPONSE TO ELECTION REQUIREMENT IMPOSED IN JANUARY 15, 2003
OFFICE ACTION FOR U.S. PATENT APPLICATION NO. 09/940,309**

Commissioner for Patents
Washington, D.C. 20231

Sir:

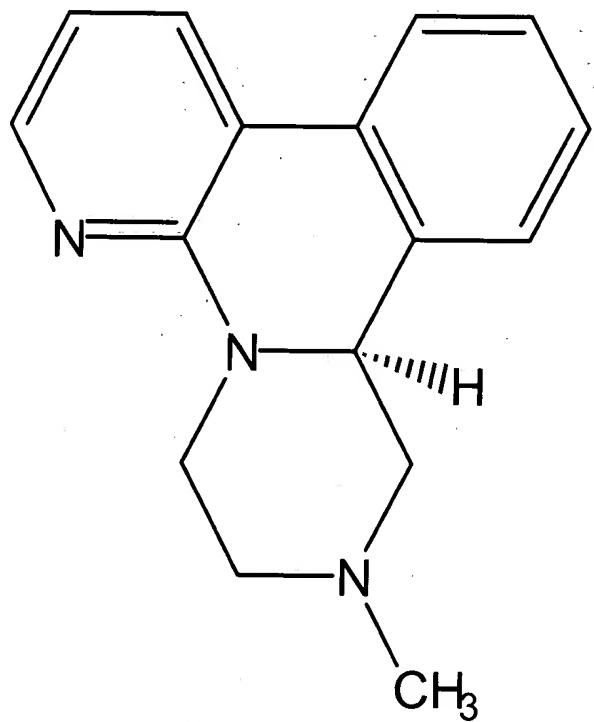
In the Office Action dated January 15, 2003 in the above-identified patent application, an election requirement was imposed on claims 1-31 as originally filed and pending in the application.

The Examiner has required applicant "under 35 U.S.C. 121 to elect a single disclosed species from each class (i.e. a 5-HT antagonist and/or an α -2 antagonist or one compound exhibiting both activities)."

In response, applicant elects "one compound exhibiting both activities" and elects mirtazapine as a single disclosed compound, viz.,

1,2,3,4,10,14b-hexahydro-2-methyl-pyrazino [2,1-a] pyrido [2,3-c]benzazepine).

The S(+) enantiomer of this compound, for example, has the formula:



It therefore is requested that prosecution of this application proceed based on the election of species herein.

Respectfully submitted,



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**INTELLECTUAL PROPERTY/
TECHNOLOGY LAW**
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